

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18919 of 2004

Between:

1. Sri Syed Jamaluddin Ali Khan,

S/o Mr. Aziz Jung, Muslim, aged 78 years,

OCC: Retired Engineer,

R/o. 5-10-196, Hill Fort Road, Hyderabad.

2. Sri Syed Azizuddin Ali Khan,

S/o Sri Syed Jamaluddin Ali Khan,

Aged about 40 years, R/o.5-10-196,

Hill Fort Road, Hyderabad.

3. Sri Syed Maqdoom Mahamuddin,

S/o Sri Syed Jamaluddin Ali Khan, aged about 38 years,

OCC: Business, R/o.5-10-196, Hill Fort Road,

Hyderabad.

4. Smt. Raffia Hussain, D/o. Sri Syed Jamaluddin Ali Khan,

aged 32 years, OCC: Housewife, R/o.5-10-196, Hill Fort Road,

Hyderabad.

5. Smt. Syed Nazma Hussain, D/o. Sri Syed Jamaluddin Ali Khan,

aged 34 years, OCC: Housewife, R/o.5-10-196, Hill Fort Road,

Hyderabad

All are represented by their G.P.A. Holder Sri Vinay Gupta,
S/o Sri Amarnath Gupta, aged 33 years, OCC: Business,
R/o.4-1-968, Abids, Hyderabad.

... PETITIONERS

AND

1. The Municipal Corporation of Hyderabad,
Represented by its Commissioner, Tank Bund Road,
Hyderabad.
2. Sri N. Ravinder, S/o. late Sri N.Narasimha, aged 38 years
OCC: Business, R/o.9-1-128, S.D. Road, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction in the nature of Mandamus or otherwise declaring the inaction of the first respondent in not taking appropriate action under Sec.521 of the H.M.C. Act against the second respondent who is illegally and unauthorisedly running the Secunderabad Function Hall at the petitioners premises No.9-1-128, S.D. Road, Secunderabad as admittedly illegal and ultra vires the powers of the first respondent and consequently forbear the first respondent from permitting the second respondent to use the said premises for the aforesaid purpose and be pleased to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.VILAS V.AFZULPURKAR

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioners and the learned Standing Counsel appearing on behalf of the respondent Corporation.

2. Petitioners who claim to be the owners of premises bearing No.9-1-128, S.D. Road, Secunderabad made representation to the first respondent on 08-09-2004 requesting him not to issue any trade license in favour of the second respondent in conducting function hall in the premises belonging to the petitioners, followed by another representation dated 08-10-2004 for submission of the documents which were submitted by the petitioners, including the Lease Deed for granting trade license, if any. The complaint of the petitioners is that the respondent Corporation has not taken any action under Section 521 of the Hyderabad Municipal Corporation Act (for short 'the Act') for stopping the running of the function hall run by the second respondent, without there being any trade license.

3. Learned Standing Counsel for the respondent Corporation has no objection in disposing of the writ petition. She submits that the respondent authorities will take appropriate action against the person who is running the function hall without there being any trade license, if any.

4. In view of the same, respondents shall consider the representations said to have been made by the petitioners and pass appropriate orders after due notice to the parties likely to be affected by such order, if any.

The writ petition is accordingly disposed of. No costs.

A.

GOPAL REDDY, J

October 13, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad.

2 Two C.D. Copies.